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SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

2010 MAY 17 PM 4: 04

JEANNE HICKS, CLERK

BY: B. Chamberlain

IN THE SUPERIOR COURT OF STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,

Plaintiff,

v.

STEVEN CARROLL DEMOCKER,

Defendant.

Cause No. P1300CR20081339

Division 6

STATE'S RESPONSE TO DEFENDANT'S
MOTION TO EXTEND TIME FOR
ADDITIONAL DISCLOSURE PURSUANT
TO 15.6 (d)

The State of Arizona, by and through Sheila Sullivan Polk, Yavapai County Attorney, and her deputy undersigned, hereby requests that the Defendant's Motion to Extend Time for Additional Disclosure Pursuant to Rule 15.6 (d) be denied.

On May 4, 2010 the Defense disclosed a 16 page PowerPoint presentation from their expert, Dr. Ann Kroman. The State objects to this motion based on the timeliness of this late disclosure.

The State disclosed to the Defense on November 10, 2008 Dr. Laura Fulginiti as an expert witness along with her report on the skull reconstruction of the victim, Carol Kennedy. At the interview of Dr. Fulginiti on March 5, 2010 the Defense asked Dr. Fulginiti to make some drawings at their request. Dr. Fulginiti completed the drawings and the material was

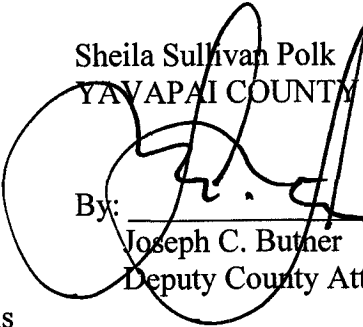
1 subsequently and formally disclosed to the Defense in April 2010. Prior to her interview with
2 the Defense Dr. Fulginiti had made no drawings or sketches of the skull for this case.

3 The Defense now wants this Court to believe that their expert could not have prepared
4 her PowerPoint presentation until Dr. Fulginiti created these diagrams. This idea is false and
5 misleading. Dr. Fulginiti's report was disclosed to the defense *over a year ago*. Dr. Kroman's
6 PowerPoint is nothing more than a teaching tool. These 16 pages could have been disclosed to
7 the State as early as December 2008. The State's position, that Carol Kennedy was killed with
8 a golf club, has been known by the Defense since November 2008. The State has not changed
9 its position in a year and a half about how Carol Kennedy was killed. It makes no sense to
10 believe that the Defense did not see the significance of a report by their expert until four days
11 before the start of the trial.
12

13 The State respectfully requests this Court to deny the Defense Motion to Extend Time
14 for additional disclosure pursuant to Rule 15.6 (d).
15

16
17 RESPECTFULLY SUBMITTED this 17th May, 2010.

18
19 Sheila Sullivan Polk
20 YAVAPAI COUNTY ATTORNEY

21 By: 
22 Joseph C. Butner
23 Deputy County Attorney

24 COPIES of the foregoing delivered this 17th day of May, 2010 to:

25 Honorable Thomas J. Lindberg
26 Division 6
Yavapai County Superior Court
(via email)

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